

**ASSEMBLY BILL**

**No. 2145**

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**Introduced by Assembly Members Alejo and Dickinson  
(Coauthor: Assembly Member Perea)**

February 23, 2012

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An act to amend Sections 33126, 48273, 48900.8, 48911, and 48916.1 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 2145, as introduced, Alejo. Pupils: expulsion and suspension.

(1) The Classroom Instructional Improvement and Accountability Act, an initiative measure, requires the governing board of each school maintaining an elementary or secondary school to develop and cause to be implemented for each school in the district a school accountability report card that includes assessments of various school conditions, including the suspension and expulsion rates for the most recent 3-year period. The act prohibits any change to its provisions, except a change to further its purposes enacted by a bill passed by a  $\frac{2}{3}$  vote of the Legislature and signed by the Governor.

This bill would require the expulsion and suspension data to be disaggregated by race, ethnicity, special education status, English learner status, socioeconomic status, and gender. The bill would state findings and declarations of the Legislature that the changes made to the act by these provisions further the purposes of the act.

(2) Existing law authorizes the establishment of county and local school attendance review boards that may promote the use of alternatives to the juvenile court system if available public and private services are insufficient or inappropriate to correct school attendance or school behavior problems. Existing law provides that any minor pupil who is

a habitual truant, is irregular in attendance at school, or is habitually insubordinate or disorderly during attendance at school may be referred to a school attendance review board. Existing law requires the governing board of a school district to adopt rules and regulations to require the appropriate officers and employees of the district to gather and transmit to the county superintendent of schools the number and types of referrals to school attendance review boards and of requests for petitions to the juvenile court.

This bill would require the number and types of referrals made to a school attendance review board to be disaggregated by race, ethnicity, special education status, English learner status, socioeconomic status, and gender.

(3) Existing law requires that a school district identify each suspension or expulsion of a pupil by offense committed for the reporting of expulsion and suspension offenses to the State Department of Education.

This bill would require a school district to maintain that information, disaggregate the information by race, ethnicity, special education status, English learner status, socioeconomic status, and gender, and submit the information to the Superintendent of Public Instruction on a yearly basis and would require the State Department of Education to make this data available on its Internet Web site.

(4) Existing law limits the number of schooldays for which a pupil may be suspended from school to 5. Existing law requires a school employee to report the suspension of a pupil and the cause for the suspension to the governing board of the school district or to the school district superintendent, in accordance with regulations of the governing board. Existing law allows the superintendent of the school district or other person designated by the superintendent to extend the period of suspension if the governing board of the school district is considering expelling the pupil or the suspension is for the balance of the semester from continuation school.

This bill would require the suspension report to be disaggregated by race, ethnicity, special education status, English learner status, socioeconomic status, and gender and would require the report for suspensions that are extended and not followed by expulsion to include the total number of days served under the extended suspension and the location of school placement where the pupil served the extended suspension.

(5) Existing law requires a school district to maintain specified data regarding pupils who are recommended for expulsion.

This bill would require the data to be disaggregated by race, ethnicity, special education status, English learner status, socioeconomic status, and gender and would require the inclusion of data regarding pupils whose suspension was extended before the expulsion. The bill also would require the data to specify whether the pupil reenrolled in a regular public school or an alternative education placement after the period of expulsion.

By requiring school districts to maintain additional data and disaggregate data as specified, the bill would impose a state-mandated local program.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 33126 of the Education Code is amended  
2 to read:  
3 33126. (a) The school accountability report card shall provide  
4 data by which a parent can make meaningful comparisons between  
5 public schools that will enable him or her to make informed  
6 decisions on the school in which to enroll his or her children.  
7 (b) The school accountability report card shall include, but is  
8 not limited to, assessment of the following school conditions:  
9 (1) (A) Pupil achievement by grade level, as measured by the  
10 standardized testing and reporting programs pursuant to Article 4  
11 (commencing with Section 60640) of Chapter 5 of Part 33.  
12 (B) After the state develops a statewide assessment system  
13 pursuant to Chapter 5 (commencing with Section 60600) and  
14 Chapter 6 (commencing with Section 60800) of Part 33, pupil  
15 achievement by grade level, as measured by the results of the  
16 statewide assessment.

1 (2) Progress toward reducing dropout rates, including the  
2 one-year dropout rate listed in the California Basic Educational  
3 Data System or a successor data system for the schoolsite over the  
4 most recent three-year period, and the graduation rate, as defined  
5 by the state board, over the most recent three-year period when  
6 available pursuant to Section 52052.

7 (3) Estimated expenditures per pupil and types of services  
8 funded. The assessment of estimated expenditures per pupil shall  
9 reflect the actual salaries of personnel assigned to the schoolsite.  
10 The assessment of estimated expenditures per pupil shall be  
11 reported in total, shall be reported in subtotal by restricted and by  
12 unrestricted source, and shall include a reporting of the average  
13 of actual salaries paid to certificated instructional personnel at that  
14 schoolsite.

15 (4) Progress toward reducing class sizes and teaching loads,  
16 including the distribution of class sizes at the schoolsite by grade  
17 level and the average class size, using the California Basic  
18 Educational Data System or a successor data system information  
19 for the most recent three-year period.

20 (5) The total number of the school's fully credentialed teachers,  
21 the number of teachers relying upon emergency credentials, the  
22 number of teachers working without credentials, any assignment  
23 of teachers outside their subject areas of competence,  
24 misassignments, including misassignments of teachers of English  
25 learners, and the number of vacant teacher positions for the most  
26 recent three-year period.

27 (A) For purposes of this paragraph, "vacant teacher position"  
28 means a position to which a single-designated certificated employee  
29 has not been assigned at the beginning of the year for an entire  
30 year or, if the position is for a one-semester course, a position of  
31 which a single-designated certificated employee has not been  
32 assigned at the beginning of a semester for an entire semester.

33 (B) For purposes of this paragraph, "misassignment" means the  
34 placement of a certificated employee in a teaching or services  
35 position for which the employee does not hold a legally recognized  
36 certificate or credential or the placement of a certificated employee  
37 in a teaching or services position that the employee is not otherwise  
38 authorized by statute to hold.

39 (6) (A) Quality and currency of textbooks and other  
40 instructional materials, including whether textbooks and other

1 materials meet state standards and are adopted by the state board  
2 for kindergarten and grades 1 to 8, inclusive, and adopted by the  
3 governing boards of school districts for grades 9 to 12, inclusive,  
4 and the ratio of textbooks per pupil and the year the textbooks  
5 were adopted.

6 (B) The availability of sufficient textbooks and other  
7 instructional materials, as determined pursuant to Section 60119,  
8 for each pupil, including English learners, in each of the areas  
9 enumerated in clauses (i) to (iv), inclusive. If the governing board  
10 determines, pursuant to Section 60119 that there are insufficient  
11 textbooks or instructional materials, or both, it shall include  
12 information for each school in which an insufficiency exists,  
13 identifying the percentage of pupils who lack sufficient  
14 standards-aligned textbooks or instructional materials in each  
15 subject area. The subject areas to be included are all of the  
16 following:

17 (i) The core curriculum areas of reading/language arts,  
18 mathematics, science, and history/social science.

19 (ii) Foreign language and health.

20 (iii) Science laboratory equipment for grades 9 to 12, inclusive,  
21 as appropriate.

22 (iv) Visual and performing arts.

23 (7) The availability of qualified personnel to provide counseling  
24 and other pupil support services, including the ratio of academic  
25 counselors per pupil.

26 (8) Safety, cleanliness, and adequacy of school facilities,  
27 including any needed maintenance to ensure good repair as  
28 specified in Section 17014, Section 17032.5, subdivision (a) of  
29 Section 17070.75, and subdivision (b) of Section 17089.

30 (9) The annual number of schooldays dedicated to staff  
31 development for the most recent three-year period.

32 (10) Suspension and expulsion rates for the most recent  
33 three-year period. *This information shall be disaggregated by race,*  
34 *ethnicity, special education status, English learner status,*  
35 *socioeconomic status, and gender.*

36 (11) For secondary schools, the percentage of graduates who  
37 have passed course requirements for entrance to the University of  
38 California and the California State University, including the course  
39 requirements for high school graduation pursuant to Section  
40 51225.3, and the percentage of pupils enrolled in those courses,

1 as reported by the California Basic Educational Data System or  
2 any successor data system.

3 (12) The number of advanced placement courses offered, by  
4 subject.

5 (13) The Academic Performance Index, including the  
6 disaggregation of subgroups as set forth in Section 52052 and the  
7 decile rankings and a comparison of schools.

8 (14) When available, the percentage of pupils, including the  
9 disaggregation of subgroups, as set forth in Section 52052,  
10 completing grade 12 who successfully complete the high school  
11 exit examination, as set forth in Sections 60850 and 60851, as  
12 compared to the percentage of pupils in the district and statewide  
13 completing grade 12 who successfully complete the examination.

14 (15) Contact information pertaining to organized opportunities  
15 for parental involvement.

16 (16) Career technical education data measures, including all of  
17 the following:

18 (A) A list of programs offered by the school district in which  
19 pupils at the school may participate and that are aligned to the  
20 model curriculum standards adopted pursuant to Section 51226,  
21 and program sequences offered by the school district. The list  
22 should identify courses conducted by a regional occupational center  
23 or program, and those conducted directly by the school district.

24 (B) A listing of the primary representative of the career technical  
25 advisory committee of the school district and the industries  
26 represented.

27 (C) The number of pupils participating in career technical  
28 education.

29 (D) The percentage of pupils that complete a career technical  
30 education program and earn a high school diploma.

31 (E) The percentage of career technical education courses that  
32 are sequenced or articulated between a school and institutions of  
33 postsecondary education.

34 (c) If the Commission on State Mandates finds a school district  
35 is eligible for a reimbursement of costs incurred complying with  
36 this section, the school district shall be reimbursed only if the  
37 information provided in the school accountability report card is  
38 accurate, as determined by the annual audit performed pursuant  
39 to Section 41020. If the information is determined to be inaccurate,

1 the school district remains eligible for reimbursement if the  
2 information is corrected by May 15.

3 (d) It is the intent of the Legislature that schools make a  
4 concerted effort to notify parents of the purpose of the school  
5 accountability report cards, as described in this section, and ensure  
6 that all parents receive a copy of the report card; to ensure that the  
7 report cards are easy to read and understandable by parents; to  
8 ensure that local educational agencies with access to the Internet  
9 make available current copies of the report cards through the  
10 Internet; and to ensure that administrators and teachers are available  
11 to answer any questions regarding the report cards.

12 SEC. 2. Section 48273 of the Education Code is amended to  
13 read:

14 48273. The governing board of each school district shall adopt  
15 rules and regulations to require the appropriate officers and  
16 employees of the district to gather and transmit to the county  
17 superintendent of schools the number and types of referrals to  
18 school attendance review boards and of requests for petitions to  
19 the juvenile court pursuant to Section 48263. *The referrals shall*  
20 *be disaggregated by race, ethnicity, special education status,*  
21 *English learner status, socioeconomic status, and gender. The*  
22 *county superintendent of schools shall submit this data to the*  
23 *department annually. The department shall make this data*  
24 *available on its Internet Web site.*

25 SEC. 3. Section 48900.8 of the Education Code is amended to  
26 read:

27 48900.8. (a) For purposes of notification to parents, and for  
28 the reporting of expulsion or suspension offenses to the department,  
29 each school district shall specifically identify, by offense  
30 committed, in all appropriate official records of a pupil each  
31 suspension or expulsion of that pupil for the commission of any  
32 of the offenses set forth in Section 48900, 48900.2, 48900.3,  
33 48900.4, 48900.7, or 48915.

34 (b) *The school district shall maintain the information required*  
35 *pursuant to subdivision (a), disaggregate that information by race,*  
36 *ethnicity, special education status, English learner status,*  
37 *socioeconomic status, and gender, and submit the information to*  
38 *the Superintendent on a yearly basis in the manner prescribed by*  
39 *the Superintendent. The department shall make this data available*  
40 *on its Internet Web site.*

1 SEC. 4. Section 48911 of the Education Code is amended to  
2 read:

3 48911. (a) The principal of the school, the principal's designee,  
4 or the superintendent of schools may suspend a pupil from the  
5 school for any of the reasons enumerated in Section 48900, and  
6 pursuant to Section 48900.5, for no more than five consecutive  
7 schooldays.

8 (b) Suspension by the principal, the principal's designee, or the  
9 superintendent of schools shall be preceded by an informal  
10 conference conducted by the principal or the principal's designee  
11 or the superintendent of schools between the pupil and, whenever  
12 practicable, the teacher, supervisor, or school employee who  
13 referred the pupil to the principal, the principal's designee, or the  
14 superintendent of schools. At the conference, the pupil shall be  
15 informed of the reason for the disciplinary action and the evidence  
16 against him or her and shall be given the opportunity to present  
17 his or her version and evidence in his or her defense.

18 (c) A principal, the principal's designee, or the superintendent  
19 of schools may suspend a pupil without affording the pupil an  
20 opportunity for a conference only if the principal, the principal's  
21 designee, or the superintendent of schools determines that an  
22 emergency situation exists. "Emergency situation," as used in this  
23 article, means a situation determined by the principal, the  
24 principal's designee, or the superintendent of schools to constitute  
25 a clear and present danger to the life, safety, or health of pupils or  
26 school personnel. If a pupil is suspended without a conference  
27 ~~prior to~~ *before* suspension, both the parent and the pupil shall be  
28 notified of the pupil's right to a conference and the pupil's right  
29 to return to school for the purpose of a conference. The conference  
30 shall be held within two schooldays, unless the pupil waives this  
31 right or is physically unable to attend for any reason, including,  
32 but not limited to, incarceration or hospitalization. The conference  
33 shall then be held as soon as the pupil is physically able to return  
34 to school for the conference.

35 (d) At the time of suspension, a school employee shall make a  
36 reasonable effort to contact the pupil's parent or guardian in person  
37 or by telephone. Whenever a pupil is suspended from school, the  
38 parent or guardian shall be notified in writing of the suspension.

39 (e) (1) A school employee shall report the suspension of the  
40 pupil, including the cause therefor, to the governing board of the

1 school district or to the school district superintendent in accordance  
2 with the regulations of the governing board. *For suspensions*  
3 *extended pursuant to subdivision (g) that are not followed by*  
4 *expulsion, the report shall include the total number of days served*  
5 *under that extended suspension and the location of school*  
6 *placement where the pupil served the extended suspension.*

7 (2) *The information reported pursuant to paragraph (1) shall*  
8 *be disaggregated by race, ethnicity, special education status,*  
9 *English learner status, socioeconomic status, and gender. The*  
10 *county superintendent of schools shall submit this data to the*  
11 *department annually. The department shall make this data*  
12 *available on its Internet Web site.*

13 (f) (1) The parent or guardian of any pupil shall respond  
14 without delay to any request from school officials to attend a  
15 conference regarding his or her child's behavior.

16 ~~No~~

17 (2) No penalties may be imposed on a pupil for failure of the  
18 pupil's parent or guardian to attend a conference with school  
19 officials. Reinstatement of the suspended pupil shall not be  
20 contingent upon attendance by the pupil's parent or guardian at  
21 the conference.

22 (g) ~~In a case where~~ If expulsion from any school or suspension  
23 for the balance of the semester from continuation school is being  
24 processed by the governing board, the school district superintendent  
25 or other person designated by the superintendent in writing may  
26 extend the suspension until the governing board has rendered a  
27 decision in the action. However, an extension may be granted only  
28 if the school district superintendent or the superintendent's designee  
29 has determined, following a meeting in which the pupil and the  
30 pupil's parent or guardian are invited to participate, that the  
31 presence of the pupil at the school or in an alternative school  
32 placement would cause a danger to persons or property or a threat  
33 of disrupting the instructional process. If the pupil or the pupil's  
34 parent or guardian has requested a meeting to challenge the original  
35 suspension pursuant to Section 48914, the purpose of the meeting  
36 shall be to decide upon the extension of the suspension order under  
37 this section and may be held in conjunction with the initial meeting  
38 on the merits of the suspension.

39 (h) (1) For the purposes of this section, a "principal's designee"  
40 is any one or more administrators at the schoolsite specifically

1 designated by the principal, in writing, to assist with disciplinary  
2 procedures.

3 ~~In the event that~~

4 (2) *If* there is not an administrator in addition to the principal  
5 at the schoolsite, a certificated person at the schoolsite may be  
6 specifically designated by the principal, in writing, as a “principal’s  
7 designee,” to assist with disciplinary procedures. The principal  
8 may designate only one person at a time as the principal’s primary  
9 designee for the school year.

10 ~~An~~

11 (3) *An* additional person meeting the requirements of this  
12 subdivision may be designated, *in writing*, by the principal, ~~in~~  
13 ~~writing~~, to act for the purposes of this article when both the  
14 principal and the principal’s primary designee are absent from the  
15 schoolsite. The name of the person, and the names of any person  
16 or persons designated as “principal’s designee,” shall be on file in  
17 the principal’s office.

18 This section is not an exception to, nor does it place any  
19 limitation on, Section 48903.

20 SEC. 5. Section 48916.1 of the Education Code is amended to  
21 read:

22 48916.1. (a) At the time an expulsion of a pupil is ordered,  
23 the governing board of the school district shall ensure that an  
24 educational program is provided to the pupil who is subject to the  
25 expulsion order for the period of the expulsion. Except for pupils  
26 expelled pursuant to subdivision (d) of Section 48915, the  
27 governing board of a school district is required to implement the  
28 provisions of this section only to the extent funds are appropriated  
29 for this purpose in the annual Budget Act or other legislation, or  
30 both.

31 (b) Notwithstanding any other ~~provision of~~ law, any educational  
32 program provided pursuant to subdivision (a) may be operated by  
33 the school district, the county superintendent of schools, or a  
34 consortium of districts or in joint agreement with the county  
35 superintendent of schools.

36 (c) Any educational program provided pursuant to subdivision  
37 (b) may not be situated within or on the grounds of the school from  
38 which the pupil was expelled.

39 (d) If the pupil who is subject to the expulsion order was  
40 expelled from any of kindergarten or grades 1 to 6, inclusive, the

1 educational program provided pursuant to subdivision (b) may not  
2 be combined or merged with educational programs offered to  
3 pupils in any of grades 7 to 12, inclusive. The *school* district or  
4 county program is the only program required to be provided to  
5 expelled pupils as determined by the governing board of the school  
6 district. This subdivision, as it relates to the separation of pupils  
7 by grade levels, does not apply to community day schools offering  
8 instruction in any of kindergarten and grades 1 to 8, inclusive, and  
9 established in accordance with Section 48660.

10 (e) (1) Each school district shall maintain the following data:

11 (A) The number of pupils recommended for expulsion.

12 (B) The grounds for each recommended expulsion.

13 (C) Whether the pupil was subsequently expelled.

14 (D) *Whether the suspension preceding the expulsion was*  
15 *extended pursuant to subdivision (g) of Section 48911.*

16 (E) *If the suspension was extended pursuant to subdivision (g)*  
17 *of Section 48911.*

18 (F) *The location of school placement where the pupil served*  
19 *the extended suspension if the suspension was extended pursuant*  
20 *to subdivision (g) of Section 48911.*

21 ~~(D)~~

22 (G) Whether the expulsion order was suspended.

23 ~~(E)~~

24 (H) The type of referral made after the expulsion.

25 ~~(F)~~

26 (I) The disposition of the pupil after the end of the period of  
27 expulsion, *including whether the pupil reenrolled in a regular*  
28 *public school or an alternative educational placement.*

29 (2) *The school district shall disaggregate the information*  
30 *maintained pursuant to paragraph (1), by race, ethnicity, special*  
31 *education status, English learner status, socioeconomic status,*  
32 *and gender, and submit the information to the Superintendent on*  
33 *a yearly basis in the manner prescribed by the Superintendent.*  
34 *The department shall make this data available on its Internet Web*  
35 *site.*

36 ~~(2)~~

37 (3) The Superintendent *also* may require a school district to  
38 report this data as part of the coordinated compliance review. If a  
39 school district does not report outcome data as required by this  
40 subdivision, the Superintendent may not apportion any further

1 money to the school district pursuant to Section 48664 until the  
2 school district is in compliance with this subdivision. Before  
3 withholding the apportionment of funds to a school district pursuant  
4 to this subdivision, the Superintendent shall give written notice to  
5 the governing board of the school district that the school district  
6 has failed to report the data required by paragraph (1) and that the  
7 school district has 30 calendar days from the date of the written  
8 notice of noncompliance to report the requested data and thereby  
9 avoid the withholding of the apportionment of funds.

10 (f) If the county superintendent of schools is unable for any  
11 reason to serve the expelled pupils of a school district within the  
12 county, the governing board of that school district may enter into  
13 an agreement with a county superintendent of schools in another  
14 county to provide education services for the district's expelled  
15 pupils.

16 SEC. 6. The Legislature finds and declares that the changes  
17 made to Section 33126 of the Education Code by Section 1 of this  
18 act further the purposes of the Classroom Instructional  
19 Improvement and Accountability Act.

20 SEC. 7. If the Commission on State Mandates determines that  
21 this act contains costs mandated by the state, reimbursement to  
22 local agencies and school districts for those costs shall be made  
23 pursuant to Part 7 (commencing with Section 17500) of Division  
24 4 of Title 2 of the Government Code.